

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA I. PAYNE,
Plaintiff

v.

M. GOURLEY, et al.
Defendants

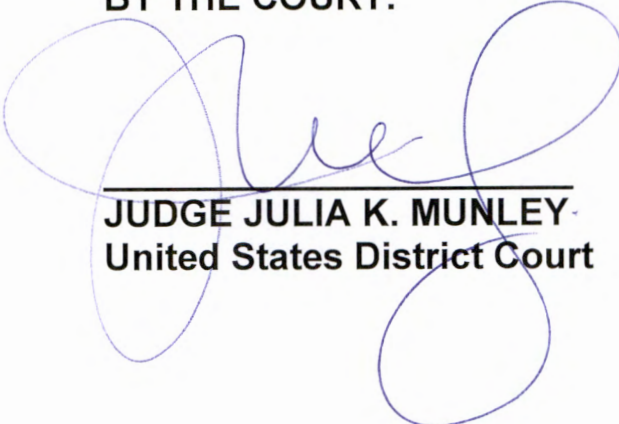
: No. 1:23cv532
:
: (Judge Munley)
:
: (Magistrate Judge Bloom)
:
:
:

ORDER

AND NOW, to wit, this 26 day of March 2025, for the reasons set forth
in an accompanying memorandum, it is hereby **ORDERED** that:

- 1) Plaintiff Joshua I. Payne's objection (Doc. 48) to a Report and Recommendation ("R&R") issued by Chief Magistrate Judge Daryl F. Bloom is **OVERRULED**;
- 2) Defendants' motion for summary judgment (Doc. 38) is **GRANTED** on other grounds;
- 3) The R&R's conclusion that Payne failed to exhaust his administrative remedies (Doc. 47) is **ADOPTED**;
- 4) As alternative grounds for disposition of plaintiff's Eighth Amendment claim relative to his cell conditions, the R&R's application of Talley v. Clark, 111 F.4th 255 (3d Cir. 2024) is **ADOPTED**; and
- 5) The Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court